

Attorney Docket Number: FSP0359
Title: provide set top box configuration for content on demand
Application Number: 10/579,097

REMARKS

The Applicant thanks the Examiner for examination of this application. This is a response to the office action mailed on January 25, 2010. Please consider the following remarks in support of the patentability of the present claims.

35 U.S.C. 103(a)

Claims 6, 7, and 10 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over US PG Pub 2006/0271973 to Jerding et al (hereafter referenced as Jerding) in view of US PG Pub 2003/0139980 to Hamilton (hereafter referenced as Hamilton).

Jerding does not alone disclose or render obvious the claim feature of composing a service group identifier into an audio and/or video stream format, and communicating the configuration information with a service group identifier to set top boxes. The issue has become whether Hamilton teaches such a feature or renders it obvious in light of Jerding. The Applicant respectfully asserts that it does not.

Neither Jerding nor Hamilton describes composing service group identifier at a service node into an AV stream format, and communicating the service group identifier along with configuration information to a set top box. Hamilton merely describes (for example at Par 23-24) that certain channels are assigned to broadcast content, and certain channel are assigned to narrowcast content. This is simply a conventional broadcasts/narrowcasts distribution system. In Hamilton service group identifiers are not composed into an AV stream format at the service node. Service group identifiers are not communicated to set top boxes by the service node along with configuration information.

The Examiner is apparently applying some sort of Official Notice to reach the conclusion that composing a service group identifier into an A/V stream format by a service node would be obvious from Hamilton, but the Applicant respectfully finds such a conclusion unreasonable and unsupported by the disclosure of Hamilton, alone or

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together with Jerding. Neither reference hints at such a feature, nor suggests how a set top box would use such a feature in a VOD context, such as for example set forth in claim 10. In fact, it is only with the benefit of hindsight of the Applicant's own disclosure that such a feature would somehow be evident to one skilled in the art, not due to anything disclosed in Jerding or Hamilton.

Quite clearly after substantial prosecution of this matter, Jerding and Hamilton now present the best available prior art. The Applicant has made no amendments which would necessitate further search or consideration. It is evident that the Applicant's claims are now in condition for allowance.

Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Jerding in view of Hamilton as applied to claim 6 above, and further in view of US PG Pub 2007/0130583 to Thiagarajan et al (hereafter referenced as Thiagarajan). Claims 8 and 9 are patentable for at least the reasons provided, supra.

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Conclusion

The claims are patentably distinguished over the cited references, along or together, for at least the reasons presented in these remarks. The Applicant respectfully requests that all the claims now be allowed, and prosecution ended in this matter.

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